

Assembly Concurrent Resolution

No. 77

Introduced by Assembly Member Coto

(Principal coauthor: Senator Romero)

(Coauthors: Assembly Members Arambula, DeSaulnier, Eng, Fuentes, Karnette, Laird, Mullin, Parra, Saldana, Solorio, Soto, and Torrico)

(Coauthors: Senators Alquist, Cedillo, Corbett, Florez, Lowenthal, Negrete McLeod, Padilla, Scott, and Steinberg)

August 30, 2007

Assembly Concurrent Resolution No. 77—Relative to Mendez v. Westminster.

LEGISLATIVE COUNSEL'S DIGEST

ACR 77, as introduced, Coto. 60th anniversary of Mendez v. Westminster.

This measure would recognize and observe Hispanic Heritage Month from September 15 to October 15, 2007, inclusive, by honoring the 60th anniversary of the groundbreaking precedent set by Mendez v. Westminster. In addition, this measure would recognize the national commemoration of Mendez v. Westminster in the issuance of a United States postage stamp, which marks the 60th anniversary of the ruling.

Fiscal committee: no.

- 1 WHEREAS, In 1943, eight-year-old Sylvia Mendez and her
- 2 younger brothers were turned away from Westminster Elementary
- 3 School because of their dark skin and Spanish last names, even
- 4 though her fair-skinned cousins were allowed to enroll; and

1 WHEREAS, Sylvia Mendez’s parents, Gonzalo and Felicitas
2 Mendez, were appalled at the segregation of Mexican-American
3 students, and they partnered with four other Latino families in
4 Orange County to sue four school districts on behalf of 5,000 other
5 Mexican-American families. The claim stated that those school
6 districts denied their children equal protection under the law and
7 due process of law under the Fourteenth Amendment of the United
8 States Constitution; and

9 WHEREAS, Despite the offer by the Westminster School
10 District to allow the Mendez children to enroll in Westminster
11 Elementary School, the Mendez family decided to continue their
12 legal action instead of enrolling their own children and dropping
13 the lawsuit; and

14 WHEREAS, The Mendez family was able to fund the litigation
15 against the Westminster School District with money earned from
16 tending a 60-acre farm that they leased from a Japanese family
17 who had been relocated to an internment camp; and

18 WHEREAS, When the federal district court in Mendez v.
19 Westminster ruled in favor of the families by directly attacking
20 the doctrine of “separate but equal,” the NAACP began a campaign
21 to challenge segregation in universities while civil rights groups
22 and attorneys across the country continued their campaign to
23 challenge official segregation in the United States; and

24 WHEREAS, When the school district appealed the district
25 court’s decision, the NAACP, the ACLU, the Japanese American
26 Citizens League, the American Jewish Congress, and other groups
27 filed amicus curiae briefs urging the court to strike down the
28 “separate but equal” doctrine. Although the United States Court
29 of Appeals for the Ninth Circuit chose not to address the
30 constitutionality of separate but equal facilities, it upheld the core
31 of the district court’s decision in Mendez v. Westminster ruling
32 that the segregation of Mexican-American students in public
33 schools was a denial of due process of law and equal protection
34 under the Fourteenth Amendment of the United States Constitution;
35 and

36 WHEREAS, Mendez v. Westminster laid the groundwork for
37 then Governor Earl Warren’s landmark legislation that
38 desegregated all public facilities in California and for the Supreme
39 Court decision in Brown v. Board of Education, which
40 desegregated all public schools across the United States; and

1 WHEREAS, Sylvia Mendez, now a 71-year-old retired nurse
2 who lives in Fullerton, worked with Orange County native Sandra
3 Robbie to document this monumental case in the Emmy-winning
4 documentary about her family's precedent-setting but widely
5 unknown lawsuit, "Mendez vs. Westminster: For All the
6 Children/Para Todos Los Niños"; now, therefore, be it

7 *Resolved by the Assembly of the State of California, the Senate*
8 *thereof concurring*, That the Legislature hereby recognizes and
9 observes Hispanic Heritage Month from September 15 to October
10 15, 2007, inclusive, by honoring the 60th anniversary of the
11 groundbreaking precedent set by Mendez v. Westminster; and be
12 it further

13 *Resolved*, That Mendez v. Westminster is being honored
14 nationally by the United States Postal Service with a boldly colored
15 commemorative stamp, which marks the 60th anniversary of the
16 ruling; and be it further

17 *Resolved*, That the Chief Clerk of the Assembly transmit copies
18 of this resolution to the author for appropriate distribution.